

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JAMES GLENN WILDER,)
Petitioner,)
v.) CV 118-157
GREGORY C. DOZIER, Commissioner,)
Georgia Department of Corrections,)
Respondent.)

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JAMES GLENN WILDER,)
Petitioner,)
v.) CV 118-168
CLINTON PERRY,)
Respondent.)

O R D E R

On September 11, 2018, Petitioner, an inmate at Wheeler Correctional Facility in Alamo, Georgia, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the Middle District of Georgia (“Middle District petition”), seeking to challenge a 2007 Lincoln County Superior Court conviction. Wilder v. Perry, CV 5:18-cv-333, doc. no. 1 (M.D. Ga. Sept. 11, 2018). On October 2, 2018, U.S. District Judge Marc T. Treadwell transferred this case to the Southern District of Georgia, id., doc. no. 4, which the Clerk of

Court opened as a new civil case in this Court, Wilder v. Perry, CV 118-168, doc. no. 5 (S.D. Ga. Oct. 2, 2018).

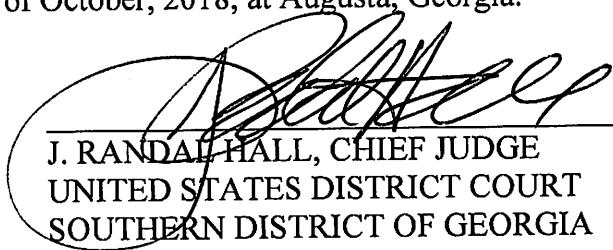
On September 17, 2018, Petitioner submitted an identical § 2254 petition (“Southern District petition”) and a motion for leave to proceed IFP in this Court. Wilder v. Dozier, CV 118-157, doc. nos. 1, 2 (S.D. Ga. Sept. 17, 2018). On September 18, 2018, the Court granted Petitioner’s motion to proceed IFP and ordered Respondent to answer the allegations of the Southern District petition within sixty days of the Order. Id., doc. no. 4. On October 5, 2018, Petitioner filed a motion explaining he filed “the same petition” in this Court because he had not received a response after filing the Middle District petition, and he moved for voluntary dismissal of the Southern District petition. Id., doc. no. 5.

Although Petitioner moves the Court to dismiss the Southern District petition, the Middle District petition should be dismissed because the Court already ordered Respondent to respond to the Southern District petition, id., doc. no. 4, while the Middle District petition has not gotten past the opening stage. Petitioner acknowledges his two petitions are “the same.” Id., doc. no. 5, p. 2. Thus, as Petitioner already has a case moving forward in this Court, there is no need to dismiss that case and open another based on an identical petition.

Accordingly, the Court **TERMINATES** Petitioner’s motion for voluntary dismissal, CV 118-157, doc. no. 5, **DISMISSES** the petition filed pursuant to 28 U.S.C. § 2254 in CV 118-168 without prejudice, and **CLOSES** the civil action CV 118-168. Respondent shall file a responsive pleading in CV 118-157 as directed by the Court’s September 18, 2018 Order. CV 118-157, doc. no. 4. The parties should submit all future filings regarding this matter in

case number CV 118-157.

SO ORDERED this 17th day of October, 2018, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA